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Docket No. EN9-97-075US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Downes, Jr. *et al.*

Group Art Unit: 3729

Filed: 2/5/02

Examiner: Chang, Rick Kiltac

Serial No.: 10/067,551 ✓

Title: ELECTRONIC PACKAGE WITH HIGH DENSITY INTERCONNECT LAYER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION
AND
PRELIMINARY AMENDMENT

This paper is being filed in response to the Restriction mailed July 25, 2003 and to the Notice of Non-Compliant Amendment mailed August 18, 1003.

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RESTRICTION ELECTION

In response to the Restriction Requirement dated July 25, 2003, Applicants hereby provisionally elects Group I, claims 14-35, drawn to an embedded capacitor, classified in class 29, subclass 592.1. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 36-38, drawn to a an interposer.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 14-38 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Claims 36-38 have been canceled herein and rewritten as new claims 39-41 as explained *infra* under "Remarks". As a result, claims 39-41 have become the unelected claims based on the restriction election herein. Applicants have presented in Appendix A a table listing the reference numerals for structural features in independent claims 14 and 39. All of the structural features in independent claims 14 and 39 are shown in FIG. 1. Applicants respectfully request that the Examiner review Appendix and, based on a comparison of claims 14 and 39 in light of FIG. 1, give reconsideration to removing the Restriction Requirement. Due to the commonality of most of the structural features of claims 14 and 39, Applicants respectfully maintain that a separate

search should not be required for claims 14 and 39.

Should the Examiner require or request anything further from Applicants prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicants request early and favorable examination on the merits.

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